

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* W. Benson  
Chiles and Chris Manthey,

Plaintiff,

v.

COOKE INC. *et al.*,

Defendants.

**FILED UNDER SEAL**

21 Civ. 5743 (JMF)

**THE GOVERNMENT’S NOTICE OF DECISION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the “Government”), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-captioned *qui tam* action.

Although the Government declines to intervene in this action, the Government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain their action in the name of the Government, provided, however, that the complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the Government respectfully requests that in the event that the relators seek to dismiss, settle, or otherwise discontinue this action, the Court shall require the relators to solicit the written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the Government requests that all pleadings and briefs filed in this matter be served upon the Government. The Government also requests that the Court direct the relators’ counsel to serve on the Government any orders issued

by the Court. The Government reserves its right to order the transcript of any depositions taken with respect to the allegations in the relators' complaint. The Government also reserves its right to intervene with respect to the allegations in the relators' *qui tam* complaint, for good cause, at a later date, and to seek the dismissal of the relators' action under 31 U.S.C. § 3730(e)(4).

The Government also requests that the Government be served with any notices of appeal.

A proposed order accompanies this notice.

Dated: New York, New York  
March 8, 2024

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Rebecca S. Tinio  
REBECCA S. TINIO  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, NY 10007  
Telephone: 212-637-2774  
rebecca.tinio@usdoj.gov